

**A G E N D A**  
**RIO DELL CITY COUNCIL**  
**STUDY SESSION - 5:30 P.M.**  
**REGULAR MEETING- 6:30 P.M.**  
**TUESDAY, FEBRUARY 21, 2012**  
**CITY COUNCIL CHAMBERS**  
**675 WILDWOOD AVENUE, RIO DELL**

***WELCOME . . .** By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.*

**THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. STUDY SESSIONS/PUBLIC HEARINGS - 5:30 p.m.**

2012/0221.01 - Animal Control Ordinance

**1**

**E. CEREMONIAL**

2012/0221.02 - Proactive Policing Award to Officer Harralson

**32**

**F. PUBLIC PRESENTATIONS**

*This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 5 minutes.*

**G. CONSENT CALENDAR**

*The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".*

- 1) 2012/0221.03 - Approve Minutes of the February 7, 2012 Regular Meeting **(ACTION)** 33
- 2) 2012/0221.04 - Approve Minutes of the February 16, 2012 Special Meeting **(ACTION)** 46
- 3) 2012/0221.05 - Approve Purchase of Meter Reading Equipment for an Amount  
not to Exceed \$5,910.55 **(ACTION)** 48
- 4) 2012/0221.06 - Approve Wildwood Avenue Streetscape Consultant Agreement with  
GHD Engineering **(ACTION)** 50

#### H. SPECIAL PRESENTATIONS

#### I. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2012/0221.07 - Draft Cross Connection Control Ordinance **(RECEIVE & FILE)** 54
- 3) 2012/0221.08 - Approve Distribution of City's RFP's for Auditing Services for FY Ending  
June 30, 2012 and Appoint two (2) Members of the City Council to Serve  
on Selection Committee with City Manager and Finance Director  
**(ACTION)** 108

#### J. ORDINANCES/SPECIAL RESOLUTIONS

- 1) 2012/0221.09 - Approve Resolution No. 1142-2012 Amending Resolution No. 998-2008  
Relating to the Establishment of Water Deposit and Water Reconnection  
Fees **(ACTION)** 120
- 2) 2012/0221.10 - Conduct Second Reading (by title only) and Approve Ordinance No.  
283-2012 Establishing Lot Size Modification Regulations, Section 17.30.130  
of the Rio Dell Municipal Code (RDMC) **(ACTION)** 123
- 3) 2012/0221.11 - Conduct Second Reading (by title only) and Approve Ordinance No.  
Ordinance No. 284-2012 Amending Yard Regulations, Section 17.30.280  
of the Rio Dell Municipal Code (RDMC) **(ACTION)** 130
- 4) 2012/0221.12 - Conduct Second Reading (by title only) and Approve Ordinance No.  
Ordinance No. 285-2012 Calling a Special Election and Ordering the  
Submission of a Proposition of Incurring Bonded Debt for the Purpose

of the Construction and Completion of Street Improvements to the  
Qualified Voters of the City of Rio Dell at the Special Municipal Election  
to be Held June 5, 2012 **(ACTION)** 137

- 5) 2012/0221.13 - Approve Resolution No. 1146-2012 Supporting Endorsing an Application  
for a Safe Routes to School Grant to Enhance the Safety of Pedestrian  
and Bicycle Facilities to Monument Middle School and Eagle Prairie  
Elementary **(ACTION)** 146

K. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director-
4. Community Development Director

L. COUNCIL REPORTS/COMMUNICATIONS

M. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED CLOSED SESSION AS FOLLOWS:

N. PUBLIC COMMENT REGARDING CLOSED SESSION

O. RECESS INTO CLOSED SESSION

P. RECONVENE INTO OPEN SESSION

Q. ORAL ANNOUNCEMENTS

R. ADJOURNMENT

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*The next Regular meeting will be on March 6, 2012  
at 6:30 PM in the City Council Chambers*

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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



To: Honorable Rio Dell City Council

From: Graham Hill, Chief of Police *GH*

Through: Ron Henrickson, City Manager *RH*

Date: February 21<sup>st</sup>, 2012

Subject: Animal Control Ordinance Workshop

### **Council Action**

Review the proposed language for the draft animal control ordinance and make recommendations for changes if applicable.

### **Background**

I have been tasked with rewriting the Animal Control Ordinance and have been working on that process for several months. The draft language has gone before the planning commission on two occasions and the recommended changes have been applied to the language in the document attached. The process, as recommended by the City Manager is as follows:

1. Planning Commission review of content (completed)
2. City Council review of content
3. Planning Commission review of fees and fines
4. City Council Review of fees and fines
5. Begin procedure for adoption

### **Budgetary Impact**

No impact at this time

### **Recommendation**

Review and recommend.



# **Animal Care and Control Ordinance**

## **Article 1- Purpose**

The purpose of this ordinance is to preserve the health and safety of persons and animals within the City of Rio Dell, and additionally;

1. To provide for the regulation of the licensing of dogs and kennels;
2. To prevent the running at large of dogs within the City limits of the City of Rio Dell;
3. To establish certain standards, rules, regulations, fees, penalties, and procedures as authorized by law.
4. Provide for pet population control

## **Article 2 - Jurisdiction**

The provision of this ordinance shall apply to the incorporated territory of the City of Rio Dell

## **Article 3 - Definitions**

### **Chief Animal Control Officer**

The "Chief Animal Control Officer" shall mean the Chief of Police

### **Dog**

"Dog" shall mean any domesticated animal of the canine family, excluding domesticated Coyotes, Foxes, Dingoes, Wolves, or other wild species of the same, as well as hybrids thereof, which are defined separately.

### **Kennel**

"Kennel" shall mean any enclosure, premises, building, structure, lot or area, except where reasonably necessary to support an agricultural use (i.e., contain herding dogs), where four (4) or more dogs or other small domesticated animals, which are not sick or injured and are ten (10) weeks in age or older are boarded for compensation, cared for, trained for compensation, kept for sale, or bred for sale, or four (4) or more dogs or other small domesticated animals that are ten (10) weeks or age or older which are kept and maintained as pets, "rescue animals", or for any other non-commercial purpose.

**Owner**

“Owner” shall mean a person who possesses, has title to, or an interest in, harbors, or has control, custody, or possession of an animal and the verb forms of “to own” shall include all these shades of meaning.

**Person**

“Person” shall mean any person, firm, company, corporation, partnership, or association.

**Vaccination**

“Vaccination” shall mean the inoculation of a dog with canine anti-rabies vaccine approved by and in the manner prescribed by the Department of Public Health of the State of California, and/or additional vaccinations as required by law.

**Veterinarian**

“Veterinarian” shall mean a person licensed by the State of California to practice veterinary medicine.

**At Large**

“At large” shall mean an animal that is off the property of the owner and not under restraint.

**Habitually to make loud noise**

“Habitually to make loud noise” shall mean a dog or other animal with the exception of a domesticated cat, that barks, bays, cries, howls, or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. Such extended period of time shall consist of continuous barking for 30 minutes or more, or intermittent barking for 60 minutes or more during any 24-hour period. A dog shall not be deemed a “barking dog” for purposes of this Article if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or when the dog is being teased or provoked.

### **Vicious Dog**

A Vicious Dog shall mean any of the following:

1. Any dog owned or harbored for the purpose of dog fighting; or
2. Any dog seized under Section 599aa of the California Penal Code and upon sustaining of a conviction of the owner or keeper under Subdivision (a) of Section 597.5 of the California Penal Code.
3. Any dog which, when unprovoked, in an aggressive manner inflicts severe injury or kills a human being.
4. Any dog previously determined to be a potentially dangerous dog which, after its owner or keeper has been notified of this determination continues the behavior described in the definition contained in this ordinance of a "potentially dangerous dog" , or is maintained in violation of this chapter.

### **Potentially Dangerous Dog**

A potentially dangerous dog shall mean any of the following:

1. Any dog which, when unprovoked, on two separate occasions within the prior 36 month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.
2. Any dog which, when unprovoked, bites a person causing less severe injury than as defined within the definition of a "vicious dog".
3. Any dog which, when unprovoked, on two separate occasions within the prior 36 month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.

### **Public Nuisance Dog**

A Public Nuisance Dog shall mean any dog which gives offense to human senses or substantially interferes with the rights of persons, other than its owner or keeper, to the enjoyment of life or property. The term shall include, but not be limited to, any dog which:

1. On three(3) separate occasions within a thirty six (36) month period has been cited, or impounded for being off its owners or keepers property in violation of this ordinance or any other applicable law;
2. Causes damage to the property of anyone other than its owner or keeper.
3. Harasses or intimidates persons on public property or private property other than that owned or under control of its owner or keeper.
4. Repeatedly chases vehicles that are not on its owners property
5. Makes disturbing noises such as barking, howling, whining, or other utterances to the annoyance, disturbance, or discomfort of neighbors or others in the vicinity of the property where the dog is maintained.
6. Has been allowed by its owner or keeper to produce odors which annoy, disturb or cause discomfort to persons in the vicinity of the property of where the dog is maintained.
7. Is one of a number of dogs or other animals maintained on the property owned or controlled by its owner or keeper so as to be offensive to persons or dangerous to the public health, safety or welfare.
8. Has, when unprovoked, bitten any person who is lawfully on the owner's or keeper's property causing minor injury.

### **Severe Injury**

Severe injury means any physical injury to a human being that results in muscle tares, broken bones, or disfiguring lacerations or requires multiple sutures or corrective cosmetic surgery.

### **Enclosed**

Enclosure means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering the dog within the enclosure. The enclosure shall be securely locked and have secure sides, top, and bottom sufficient to prevent the animal from escaping.

### **Owner or Keepers Property**

For purposes of defining potentially dangerous, vicious and public nuisance dogs, the owner or keeper's property includes that property over which the owner or keeper has the exclusive possession and use.

#### **Hearing Entity/Officer**

For the purposes of this ordinance the hearing entity or officer shall be the Chief of Police or his/her designee.

### **Article 4 - Administration**

#### **Chief of Police**

The Chief of Police is responsible for Animal Control Services as provided by the Ordinance, and shall oversee all Animal Control activities, including;

1. Supervise and direct Animal Control Officers in the performance of their duties;
2. Administer the dog licensing and kennel licensing provisions of this Ordinance;
3. Collect, or facilitate the collection of all fees associated with Animal Control and turn those fees over to the Rio Dell Finance Department;
4. Administer and enforce all provisions of this ordinance;
5. Take up and impound all animals found to be in violation of the provisions of this ordinance;
6. To cooperate with the County Health Officer in the administration and enforcement of the rabid and dangerous animal provisions of this ordinance;
7. To facilitate the removal and disposal of the carcass of any dog found in or on any street, alley, or other public place, except State Highways;
8. To keep and maintain records in accordance with State Law and policy;

#### **Establishment of a public pound**

1. A public pound is authorized and may be established and shall be located at such place in the City of Rio Dell as shall be fixed from time to time by the Rio Dell City Council. The public pound, or any authorized branches thereof, shall provide suitable buildings and enclosures to

adequately keep and safely hold all dogs, cats or other animals subject to be impounded by the provisions of this ordinance.

2. The City Council, at their discretion, may enter into a contract with a qualified facility to carry out the duties of housing, care, feeding, redemption, and other associated activities as defined therein.

### **Animal Control Officer**

Police Officers are designated as Animal Control Officers and will carry out functions of the Animal Control Ordinance at the direction of the Chief of Police. Other members of the Police Department may be assigned Animal Control duties.

Upon approval of the City Council the Police Department may employ an individual for the sole purpose of enforcing the Animal Control Ordinance in the capacity of Animal Control Officer.

### **Authority to Carry Firearms**

The Chief of Police may authorize Animal Control Officers to carry a firearm when acting in the course and scope of their employment pursuant to the provisions of California Penal Code § 26025(b).

### **Pursuit on Private Property**

Animal Control Officers, when in pursuit of an animal at large, shall have the authority to enter private property to apprehend such animals.

### **Fees and Penalties**

The Animal Control Division shall charge, receive and collect fees and penalties for the performance of services in the amounts, at the times, and in the manner specified herein or by resolution of the City of Rio Dell City Council.

## **Article 5 - Prohibitions**

### **Animals running at large**

No owner shall permit his animal, wild or domestic, except a domestic cat, to run at large within the City Limits of Rio Dell.

Whenever the Chief Animal Control Officer or other authorized personnel thereof take up, assume control over, herd, or otherwise respond to a situation involving any animal which is at large, and which is not impounded pursuant to this ordinance, the owner or other person responsible for the care or restraint of such animal shall pay, and be charged and liable for a fee not to exceed the actual costs incurred by the City of Rio Dell in taking up, assuming control over, herding, or otherwise responding to the at large animal.

#### **Dogs on leashes**

It shall be unlawful for any person to suffer or permit any dog owner, harbored, or controlled by him/her to be on any public street, alley, lane, park, or place of whatever nature open to and used by the public in the incorporated areas of the City unless such dog is securely leashed and the leash is held continuously in the hand of a responsible person capable of controlling such dog, unless the dog is securely confined in a vehicle.

#### **Trespassing**

No owner shall permit his/her animal, except a domestic cat, to trespass on any property, public or private, without the consent of the owner of the property.

#### **Property Damage**

No person shall knowingly permit their animal, including a domestic cat, to damage the private property of another person, or public property.

#### **Noise**

No owner shall permit his animal, except a domestic cat, habitually to make loud noise or act in such a manner as to constitute a public nuisance.

#### **Female dogs in heat**

No owner of any unspayed female dog shall permit such dog to stray or run at large in the City Limits of Rio Dell while such female dog is in the copulating season.

**Proper care**

No owner or person in charge of an animal shall permit such animal to go without proper food, water, care, shelter, or attention.

**Unlicensed dogs**

No owner shall have a dog required to be licensed within the City of Rio Dell unless such dog has been licensed pursuant to the provisions of this ordinance.

**Tags and collars**

No owner shall fail, neglect, or refuse to attach, by means of a collar, harness, or other device, any tag issued pursuant to this ordinance to the licensed dog, nor shall any owner fail, neglect, or refuse to keep such tag attached to such dog at all times while the license is in force.

**Replacement of tags**

No owner shall fail to apply for a new license within ten (10) days after the date of the loss of the license tag.

**Improper tags**

No person shall permit to be attached or kept upon any dog any license tag provided for by this ordinance except for a tag issued for that dog pursuant to this ordinance, nor shall any owner permit to be attached to or kept in his possession, any counterfeit or imitation of any tag provided for by this ordinance.

**Removal of tags**

No person without authorization from the owner shall remove from any dog any collar, harness, or other device to which a current license tag is attached; nor shall any such person remove a current license tag from any such collar, harness, or other device.



### **Unlicensed kennels**

No owner shall maintain, conduct, or operate, or cause to be maintained or operated; any unlicensed dog kennel.

### **Kennel standards**

No person shall fail, neglect, or refuse to maintain a kennel:

1. So as to prevent dogs contained therein from running at large;
2. So the location of the kennel does not violate the zoning ordinance;
3. So the kennel does not violate building codes or sanitary laws;
4. So the kennel premises are maintained in a clean and sanitary condition;
5. So the dogs therein are not subject to cruelty, suffering, or abuse;
6. So the kennel does not constitute a public nuisance;
7. So the keeping and maintenance of the kennel will not be detrimental to the peace, health, or safety of persons in the immediate vicinity;
8. Without possessing evidence that each dog in the kennel has been vaccinated in accordance with the provisions of this ordinance.

### **Kennels after license revocation**

No person shall operate or maintain a kennel within one year after the revocation of a kennel license.

### **Taking dogs from kennels**

No person shall take a dog off the premises of a kennel except under control of a leash; nor shall any owner of a kennel or his agent or employee run or take dogs off the premises of a kennel or permit dogs to be run or be taken there from except as provided in this chapter.

### **Vaccinations**

No owner shall have a dog within the City limits of Rio Dell unless such dog has been vaccinated against rabies pursuant to the provisions of this ordinance.

### **Reports**

Any person having knowledge of an animal of the categories that constitute an animal that is or may be rabid as defined in this ordinance, shall notify the Chief of Police or his/her designee or agent immediately

### **Isolation or Quarantine**

No person shall violate any of the conditions of isolation or quarantine prescribed by the Chief Animal Control Officer, his or her agent, or the County Health Officer.

### **Epidemic regulations**

No person shall violate any rules or regulations promulgated pursuant to the provisions of this ordinance based upon a determination or declaration of a rabies epidemic or unusually dangerous health situation.

### **Interference with enforcement**

No person shall interfere with, oppose, or resist the Chief Animal Control Officer or his or her agents, under the provisions of this chapter, to take up and impound animals while such officer or agent thereof is engaged in the performance of any act authorized by the provisions of this ordinance.

### **Fecal matter**

No owner shall permit his dog to deposit fecal matter on property, other than his or her own, unless such owner shall cause the fecal matter to be removed immediately and properly disposed of.

### **Limitations**

It is unlawful for any person or persons to own, harbor or maintain at any parcel, more than three dogs or cats four months of age or older, except as provided for within this ordinance.

(Planning Commission Recommended three dogs and five cats)

### **Violations: misdemeanors, infractions**

1. The following ordinance violations shall constitute a misdemeanor:
  - a. Unauthorized removal of tags/license
  - b. Maintaining an unlicensed kennel
  - c. Maintaining substandard kennel(s)
  - d. Operating a kennel with a revoked kennel license
  - e. Not adhering to vaccination requirements
  - f. Violations of epidemic regulations
  - g. Interference with the enforcement of this ordinance
  - h. Any violations of this code relating to vicious or potentially dangerous dogs
2. All other violations shall constitute an infraction

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### **Separate offenses**

Every person violating any provision of this ordinance shall be deemed guilty of a separate offense for each calendar day, during which such violation continues and shall be punishable therefore as provided

### **Promises to appear**

1. Notices to Appear: If any person is arrested for any such violation, and such person is not immediately taken before a magistrate, the arresting officer, pursuant to the provisions of Section 853.6 of the California Penal Code, shall prepare, in duplicate, a written notice to appear

in court. Such written notice shall contain the name and address of such person and the offense charged and shall set forth the time when and the place where such person shall appear in court. The time set in the notice to appear shall be at least twenty-one (21) days after such arrest. The place set forth in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

## **Article 6 - Licenses: General**

### **Effect of licenses**

The issuance of any license or permit to keep an animal as provided for in this chapter shall be prima facie evidence that the owner has satisfied the basic licensing requirements pursuant to the provisions of this ordinance, but such issuance shall be given no evidentiary weight to indicate that the owner has conformed to zoning regulations, building regulations, health and safety regulations, or to any other applicable rule, regulation, or statute unless, pursuant to the issuance, official written approval has been given by the office or agency responsible for the administration of the rule, regulation, or statute in question. If such approval has been given, it shall be deemed prima facie evidence that the matter approved is in conformance with the rule, regulation, or statute in question.

### **Exemptions from licensing**

The licensing regulations of this chapter shall not be applicable to the following owners who use animals for diagnostic purposes or research, the use having been approved by the Board of Public Health of the State of California pursuant to the provisions of section 1666 of the California Health and Safety Code; owners who use animals for teaching purposes in recognized educational institutions; owners of establishments which treat or board animals and which are owned and operated by veterinarians licensed by the State of California; and owners of pet shops, circuses, animal exhibits, and other enterprises maintaining animals which have been granted business licenses, or event licenses by the City of Rio Dell.

## **Article 7 - Licenses: Dogs**

### **Dog licenses**

Every owner of a dog required to be licensed shall procure an animal license for such dog in accordance with the procedure set forth in this ordinance.

#### **Dogs required to be licensed**

A dog required to be licensed shall be a dog that:

1. Is over the age of four (4) months; and
2. Is not in a licensed kennel; and
3. Has not been in a licensed kennel within forty-eight (48) hours; and
4. Has been in the city limits of the City of Rio Dell for ten (10) days.

#### **Time of applications, durations of licenses, renewal notices**

1. Applications for dog licenses shall be made on or before the first day the dog is required to be licensed pursuant to this ordinance. Before any dog is released to a new owner, a completed application form, together with the license fee, shall be submitted by such person.
2. A license which is initially issued in accordance with this article shall be valid from June 1<sup>st</sup> of the year issued to July 31<sup>st</sup> of the following year. The Rio Dell Police Department will make every effort to notify, via mail, the owners of previously licensed dogs, thirty days prior to expiration that license fees are due.

#### **Preparation of forms and tags**

The Chief of Police is hereby authorized and directed to have prepared suitable application forms for dog licenses as provided in this article and license tags to be issued to the owners of dogs.

#### **License applications**

The license application shall bear the name (if any), age, sex, color, breed, previous rabies vaccination date, and subsequent revaccination date of the dog for which the license is applied.

#### **Fee**

The amount of the annual dog license fee shall be set by resolution of the City Council of the City of Rio Dell, provided, however if a certificate is presented from a licensed veterinarian that the dog has been either spayed or neutered, or if the veterinarian has on file an affidavit stating that the animal has been spayed or neutered and that examination by the veterinarian discloses no evidence to the contrary, the fee shall be one-half (1/2) the regular set fee.

### **Penalties**

1. The owner of any dog required to be licensed who fails to procure and pay for such license as required by this ordinance shall pay, in addition to the established license fee, a penalty as established by the City Council of the City of Rio Dell.
2. The owner of any dog required to be licensed pursuant to this ordinance for the year immediately preceding the year in which an application for a dog license is filed who failed to obtain a license for such dog for such year shall pay, in addition to any other license fee or penalty, a penalty set by resolution by the City Council of the City of Rio Dell.

### **Exceptions from penalties**

1. The penalty provided for in this ordinance for failing to license a dog shall not apply to the owner of a dog required to be licensed which has not been subject to the licensing requirement for more than thirty (30) days; or in the case of a dog that had not been licensed during the preceding year, the penalty shall not apply if the dog had not been subject to the licensing requirement for thirty (30) days the immediately preceding year.

### **Seeing Eye dogs**

1. No fee or penalty shall be collected or received for any dog license issued for a Seeing Eye dog owned by a blind or partially blind person.
2. If a person presents written verification from Guide Dogs for the Blind, Inc., that they are raising a Seeing Eye puppy and will deliver it to Guide Dogs for the Blind Inc., when it is approximately one year old, no fee or penalty shall be collected or received for any dog licensed issued for a Seeing Eye puppy.

### **Law Enforcement Dogs**

If a dog is owned and used exclusively for law enforcement purposes by a public safety agency, no fee or penalty shall be collected or received.

#### **Issuance: Filing**

A license shall be issued after the submission of a completed application form, a license fee, and a rabies vaccination certificate issued pursuant to the provisions of this ordinance, establishing the dog in question has been vaccinated in accordance with the requirements of the State Department of Health. The license shall be issued to the owner, or the owner's agent, at the time of application, provided the application is complete and meets the requirements as set forth in this ordinance.

#### **License tags**

License tags shall be metallic, shall be numbered serially, and shall have a stamp thereon bearing the name of the City of Rio Dell.

#### **Lost tags**

As often as any license is lost, the owner, within ten (10) days thereafter, shall procure another tag for which such owner shall pay a fee set by resolution by the City Council of the City of Rio Dell.

### **Article 8 – Licenses: Kennel**

#### **Kennel License**

Every person owning or controlling a kennel shall procure an annual kennel license on or before June 1<sup>st</sup> of each year in accordance with the procedure set forth in this ordinance, which a kennel license shall be a license for all dogs kept therein. A kennel license is in addition to the requirement of a business license (if applicable).

#### **Preparation of forms and certificates**

The Chief of Police is hereby authorized and directed to have prepared suitable application forms for kennel licenses and kennel license certificates as provided in this ordinance.

#### **Contents of application forms**

The application for a kennel license shall set forth the name and address of the applicant, the location, including the address, of the kennel, a description of the facility for housing the dogs, and the number and description of the dogs kept in the kennel.

### **Fees**

The kennel license fee shall be set by resolution by the City Council of the City of Rio Dell.

### **Penalties**

1. The owner of any kennel who fails to procure and pay for such license until after June 1<sup>st</sup> of any year, or fails to procure a license at the time they begin to operate as a kennel, shall pay the applicable license fee, and in addition, if the fee is not paid by June 10<sup>th</sup>, or within ten days of operating as a kennel, then the owner shall pay a fine as set forth by the City Council of the City of Rio Dell.
2. The determination of when a kennel started operating as such shall be based on the preponderance of the evidence available.

### **Investigations**

Upon the receipt of an application and license fee and penalties, if any, the Chief of Police, or his designee, shall send copies of the application to the City Manager, the Planning Department, the Public Works Department, and the Building Department, and those entities shall determine if the proposed kennel would be within conformity to zoning/planning codes/policy, building codes, business license provisions, and sanitation laws and/or regulations.

### **Action on applications**

After receipt of reports in relation to other departments, or as deemed appropriate and reasonable, the Chief of Police shall act on the application as follows:

1. The Chief of Police shall approve the application if he/she finds that the kennel is maintained in accordance with each of the conditions as set forth by this ordinance.
2. He/she may approve the application with conditions set to meet reasonable concerns that are identified during the process of reviewing the application. Under such circumstances that an



application is approved conditionally it shall be reviewed and endorsed by the City Manager in addition to the Chief of Police.

3. He/she shall deny the application if he/she does not make the findings that the kennel, or proposed kennel does not conform to the conditions set forth in this ordinance or other applicable ordinance, rule, or statute. In the event an application is denied the Chief of Police shall provide the reason for the denial in writing to the applicant within fourteen (14) days of the application being denied.

### **Endorsement and filing**

The license application and issued license certificate shall be endorsed by the Chief of Police, and the application and a copy of the certificate shall be maintained in a file at the Rio Dell Police Department.

### **License certificates**

The issuance of a kennel license shall be evidenced by the issuance of a kennel license certificate in a form determined by the Chief of police. Kennel license certificates shall bear the name of the City of Rio Dell, the date the certificate was issued, the date the certificate will expire, and shall be numbered serially.

### **Notices**

The Chief of Police or his/her designee may notify kennel owners of record that a current kennel license is due and a fee is payable.

### **Suspension of kennel license**

The Chief of Police may make an order suspending any kennel license issued pursuant to the provisions of this ordinance upon a finding that there exists any fact which would have been a ground for refusal to issue a kennel license, or if there has been a violation of the provisions of this ordinance, or a violation of conditions imposed in any kennel license, or if the owner of the kennel, or any agent or employee employed therein, has been convicted of a violation of the provisions of Section 597 of the California Penal Code.

### **Suspension of kennel license: Notices**

The Chief of Police, or his/her designee, shall cause a copy of an order of suspension of a kennel license to be mailed to the applicant of such license via certified US mail to the address listed by the applicant on the application.

### **Appeals**

The applicant may appeal an order by the Chief of Police denying a kennel license and/or suspending a kennel license to the RIO Dell City Council, however such appeal must be made in writing through the Office of the City manager, within fifteen (15) days of the denial of the license, or fifteen (15) days of the receipt of written notice to the applicant of the reasons for the denial of the license, or within fifteen (15) days of receipt of a Notice of Suspension or a Notice of Revocation of a kennel license.

### **Automatic revocation**

If no appeal is requested as set forth within the time period allotted, pursuant to this ordinance, in regards to a suspended kennel license then such license shall be deemed revoked.

## **Article 9 - Impoundment**

### **Taking up and impounding**

The Chief of Police and/or his designee, or any Animal Control Officer, shall take up and impound in a suitable facility, properly maintained to acceptable humane standards, either under the ownership and control of the City of Rio Dell, or under contract with the City of Rio Dell, all animals found to be in violation of the provisions of this ordinance or Division 9 of the California Food and Agricultural Code, or other applicable rule, ordinance, or statute.

### **Notice of Impoundment**

As soon as possible, but no later than 24 hours after impounding any dog properly licensed under the provisions of this ordinance, the Animal Control Officer who caused the impoundment shall notify the owner of record by telephone, mail, or in person that such dog is impounded and that it can be redeemed within five days from the date of such impoundment. If the dog is not retrieved within that time period the disposition of the dog will be in accordance with the provisions of this ordinance.

### **Redemption period**

Except as otherwise provided in this ordinance, all animals impounded at the animal control facility, either operated by the City of Rio Dell, or operated by another entity under contract, or another facility being used, as approved by the Chief of Police, under special circumstances specific to a particular impoundment shall be kept and maintained at least for the following redemption periods:

1. Five (5) days for any dog found wearing a current annual license tag;
2. Seventy-two (72) hours for any dog found not wearing a current annual license tag, and has not other means by which to identify the owner;
3. Five (5) days for any animal governed by the provisions of Section 17003 of the California Food and Agricultural Code; and
4. Seventy-two (72) hours for any other animal.

At any time after the expiration of the minimum time period as described by this code for the retention of impounded dogs, the Chief of Police may cause the sale, gift, or humane destruction of such dogs as allowed by current law. The Chief of Police shall not give, sell, or otherwise convey an impounded animal to any institution engaged in the diagnosis or treatment of human or animal disease, or in research for the advancement of veterinary, dental, medical, or biological sciences, or in the testing or diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals, or drugs.

### **Animals voluntarily surrendered**

Any animal which is voluntarily surrendered to or deposited with the Rio dell Police Department or an agent thereof, shall not be deemed to be impounded and need not be kept or retained for any minimum period of time.

### **Surrendered or abandoned animals: Adoption, immunization**

1. Except as provided by law the Chief of Police may authorize the adoption of any animal in the care, custody, and control of the Rio Dell Police Department. Under circumstances during which the City of Rio Dell is under contract with another entity, the adoption of animals may be the facilitated by that entity.
2. The Chief of Police and/or his designee may authorize the immunization of any dog, four (4) months of age , which is voluntarily surrendered to or deposited with the Rio Dell Police Department. A fee, as set forth by the City Council of the City of Rio Dell by resolution, may be charged in addition to any other fees associated with the adoption of an animal for the purpose of defraying the costs associated with such immunization. Under circumstances during which

the City of Rio Dell is under contract with another entity, the immunization of animals and recovery of associated fees may be facilitated by that entity.

### **Spay or neuter deposit**

1. A spay or neuter deposit, as set by resolution of the City Council of the City of Rio Dell, shall be collected at the time of adoption of any dog or cat, and will be held for a period not to exceed sixty (60) days, except that for dogs and cats six (6) months of age or younger at the time of adoption, the period shall not exceed six (6) months. If a female dog and her puppies or a female cat and her kittens are adopted together, one deposit shall be charged. Under circumstances during which the City of Rio Dell is under contract with another entity, the spay and neuter deposit for adopted animals may be facilitated by that entity.
2. At any time within the period specified above, the owner may present a spay or neuter certificate for the adopted animal from a licensed veterinarian or veterinary clinic, in which event the deposit will be returned. Deposits not so claimed within the time period specified above shall be deemed unclaimed and shall automatically be forfeited to the City, or contract facility for use in accordance with California Food and Agricultural Code Sections 30503 and 31751.

### **Redemption**

1. The owners of impounded animals, during the redemption period and at any time before the disposition of such animals, may redeem them by paying the impoundment fees and licensing dogs in the manner provided in this ordinance.
2. The Chief of Police or his/her designee shall charge and collect fees, as set by resolution by the City Council of the City of Rio Dell, for every impounded animal when claimed and before its release.

### **Euthanasia**

1. The Chief of Police may facilitate euthanasia services on animals whose owners request it. The Chief of Police may issue regulations to implement the provisions of this section.
2. A fee, set by resolution by the City Council of the City of Rio Dell, shall be charged and collected by the Rio Dell Police Department for every animal which is euthanized at its owner's request.

### **Animal traps**

1. The Chief of Police or his/her designee may loan animal traps and provide related retrieval services for persons who request it. A deposit may be collected at the time the trap is loaned not exceeding the value of the trap.

### **Liability**

No person shall be liable for the disposition of any animal in accordance with the provisions of this chapter.

## **Article 10 - Rabies**

### **Vaccinations**

Every owner of a dog over four (4) months in age shall have such dog vaccinated with such canine anti-rabies vaccine and at such intervals as prescribed by the State Department of Health.

### **Vaccinations: Imported dogs**

Every owner who brings into the City of Rio Dell a dog which has not been vaccinated within twelve (12) months prior to the importation thereof shall have the dog vaccinated within five (5) days from and after its arrival in the City of Rio Dell. The certificate of vaccination issued by a duly licensed veterinarian from any other jurisdiction for the specific dog, establishing the vaccination with an approved vaccine, may be accepted by the Chief of Police or his/her designee as evidence of vaccination upon the date of the vaccination indicated on the certificate.

### **Vaccinations: Exceptions**

A dog shall be exempt from the vaccination requirements of this ordinance if within one (1) year:

1. A veterinarian has examined the dog and certified that a vaccination will endanger the dog's health for physiological reasons; and

2. Such certificate is presented to the Chief of Police and the County Public Health Officer within five (5) days after the examination; and
3. The County Health officer concurs in the opinion of the veterinarian and endorses his approval on the veterinarian's certificate.

#### **Vaccinations: Procedure**

1. Dogs shall be vaccinated by a veterinarian or at vaccination clinics approved by the Chief of Police and/or the County Public Health Officer that are in accordance with state law.
2. Every person who vaccinates a dog for rabies shall issue the owner of the dog a certificate containing the following:
  - a. The name, address, and telephone number of the dog owner;
  - b. The type of rabies vaccine administered (including the name of the manufacturer and the lot number of the vaccine used);
  - c. The date of the vaccination, the interval for the next vaccination, and date the next vaccination is due;
  - d. A description of the dog, including the breed, age, sex, color, and markings of the dog;
  - e. The stamped, printed, or typewritten name, address, and telephone number of the person who administered the vaccine: and
  - f. The signature, with date, of the person administering the vaccine.
3. Every person who vaccinates a dog for rabies shall submit to the Rio Dell Police Department a copy of the rabies vaccination certificate required by this ordinance no later than thirty (30) days after the date the vaccination was administered.

#### **Reports**

It shall be the duty of any person having knowledge of any animals falling into the following categories to immediately report the animal to the Rio Dell Police Department, and/or the County Public Health Officer, and to furnish complete information regarding the incident:

1. Known rabid animals;
2. Suspected rabid animals;

3. Animals which have bitten a human or otherwise exposed a human to rabies; and
4. Animals of a species subject to rabies which have been bitten by a known rabid or suspected rabid animal or have been in intimate contact with a rabid or suspected rabid animal.

#### **Reports to Health Officer**

Upon receipt of a report of a rabid or suspected rabid animal pursuant to this ordinance, or upon the receipt of information of another animal disease dangerous to humans, the Chief of Police, or any animal control officer as defined by this ordinance shall report that information to the County Public Health Officer.

#### **Isolation or Quarantine**

Chief of Police and/or his designee shall isolate and quarantine, with the concurrence of the County Public Health Officer, any animal that is suspected to be rabid that has been captured or is otherwise in the possession of the Rio Dell Police Department. Such isolation and quarantine shall be done so in accordance with state law.

#### **Carcasses of rabid animals**

Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the Chief of Police shall obtain and turn over to the County Public Health Officer the carcass of such animal or an adequate specimen thereof, at the discretion of the County Public Health officer.

#### **Destruction**

Upon an order of the County Public Health Officer, the Chief of Police or his/her designee, shall destroy any animal or its carcass if an examination shows such animal or carcass to be rabid.

#### **Epidemic regulations**

The Rio Dell Police Department shall adhere to and comply with any orders as issued by the County Public Health Officer in regards to a rabies epidemic or other unusually dangerous health situation among dogs or other animals.

## **Fees**

Upon a determination that an animal is not rabid after a ten day isolation and quarantine period the animal may be returned to its owner or person responsible upon the payment of fees for such impoundment as set by the City Council of the City of Rio Dell. In the event the owner or person responsible does not pay the associated fees the dog will be retained for a period of five (5) additional days and then disposed of in accordance with this ordinance by means of adoption, or euthanasia.

## **Article 11 - Regulation of vicious animals**

### **Purpose**

The uncontrolled maintenance of vicious animals constitutes a dangerous situation which presents a threat to the health, safety, and welfare of the persons and animals within the City of Rio Dell. This situation presents a serious hazard within the City which is compounded by the increasing tendency to maintain animals which, by virtue of breeding and training, have a propensity to attack others. The purpose of this article is to protect the public health, safety, and welfare by regulating vicious animals.

### **Procedure for declaring a dog POTENTIALLY DANGEROUS, VICIOUS, or a NUISANCE**

If an animal control officer or law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous, vicious or a nuisance, the Animal Control Officer, shall petition the Chief of Police, or his/her designee, for a hearing for the purpose or determining whether or not the dog in question should be declared potentially dangerous, vicious, or a nuisance. In the event the Chief of Police has probable cause to believe that a dog is potentially dangerous, vicious, or a nuisance, he/she is not required to petition for a hearing, however must document the probable cause for such hearing and make such probable cause available to the owner or keeper of the dog in question, and such written probable cause shall become a part of the record and maintained in compliance with State and Federal Law as it pertains to the retention of public records. Whenever possible any complaint received from a member of the public which serves as the evidentiary basis for the Animal Control Officer or Law Enforcement Officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition. The Chief of Police shall notify the owner or keeper of the dog that a hearing will be held by the Chief Animal Control Officer or his/her designee, at which time he or she may present evidence as to why the dog should not be declared potentially dangerous, vicious, or a nuisance. Said evidence may be offered either written or oral by the owner of the dog or any interested citizen, including Animal Control Officer's, Humane Officers or Peace Officers, and shall be sworn to and/or signed under declaration of penalty of perjury.



### **Notice of Determination**

After the hearing conducted pursuant to this ordinance, the owner or keeper of the shall be notified in writing of the determination and orders issued, either personally or by certified US Mail by the Hearing Officer. If a determination is made that the dog is potentially dangerous, vicious, or a nuisance, the owner or keeper shall comply with the provisions of this ordinance in accordance with the time scheduled established by the Chief of Police or his or her designee, but in no case more than thirty (30) days after the date of the determination or thirty-five (35) days if notice of the determination is mailed to the owner or keeper of the dog.

### **Appeal**

If the petitioner or the owner or keeper of the dog contests the determination of the Hearing Officer, he/she may, within five (5) days of the receipt of the notice of determination, appeal the decision of the Hearing Officer to the Rio Dell City Council and request a public hearing. The City Council shall schedule a public hearing at the next available City Council meeting, or may schedule a special meeting for the specific purpose of hearing the appeal. The City Council may decide all issues for or against the owner or keeper of the dog even if the owner or keeper fails to appear at the hearing. The determination of the City Council shall be final and conclusive upon all parties.

### **Seizure and Immediate impoundment**

If upon investigation is determined by the Animal Control Officer or Law Enforcement Officer that probable cause exists to believe the dog in question poses an immediate threat to public safety the Animal Control Officer, or Law Enforcement Officer may seize and impound the dog pending the hearing or determination provided for in the "Procedure for Declaring a Dog POTENTIALLY DANGEROUS, VICIOUS, or a NUISANCE". The owner or keeper of the dog shall be liable to the City of Rio Dell for the costs and expenses of keeping the dog if the dog is later determined to be found potentially dangerous or vicious. If public safety is adequately assured, the Chief of Police may permit the dog to be confined at the owner's expense in an approved kennel or veterinary facility or on the owner's premises.

### **When dogs may not be declared POTENTIALLY DANGEROUS, VICIOUS, or a NUISANCE**

1. No dog may be declared potentially dangerous, vicious, or a nuisance if any injury or damage is sustained by a person who, at the time of the injury or damage was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog, or was committing or attempting to commit

a crime. No dog may be declared potentially dangerous, vicious, or a nuisance if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous, vicious, or a nuisance if an injury was sustained by a domestic animal which at the time the damage was sustained was teasing, tormenting, abusing, or assaulting the dog.

2. No dog may be declared potentially dangerous, vicious, or a nuisance if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog. This section only applies to the circumstances of seizure and shall not be construed to have any effect on any other rule, law, or statute, as it pertains to activities related to hunting, ranching, or trapping.

#### **Disposition of potentially dangerous or vicious dogs**

1. All dogs which have been determined by the hearing entity to be potentially dangerous or vicious dogs shall be properly licensed and vaccinated. The status of the dog shall be included in the licensing records either after the owner or keeper has agreed to the designation or the hearing entity has determined the designation applies to the dog. An additional fee of twice the applicable license fee shall be charged for maintain this additional information in the licensing records.
2. A potentially dangerous or vicious dog while on the owner's property, shall, at all times, be kept indoors, or in an enclosure as defined in Article 3 of this ordinance. A potentially dangerous dog may be off the owner's property only if it is restrained by a substantial leash or within an enclosed vehicle. A vicious dog may be off the owner's property if the owner complies with "Disposition of a Vicious Dog, Section g".
3. The owner of a potentially dangerous or vicious dog shall notify the Rio Dell Police Department, in writing, within two (2) working days if the dog in question, dies, is sold, transferred, or permanently removed from the city limits of Rio Dell.
4. Owners of potentially dangerous or vicious dogs shall notify in writing any person to whom the dog is sold that the dog is potentially dangerous or vicious.

#### **Disposition of Vicious Dogs**

In addition to the dispositions as set forth above, upon a determination by the hearing entity that a dog is a vicious dog the following shall apply:

1. A dog which has been determined to be vicious pursuant to the provisions of this ordinance shall not be licensed unless the owner or keeper of the vicious dog is eighteen (18) years of age or older and meets the following requirements:
  - a. Provide proof to the Animal Control Officer the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) covering any damage or injury which may be caused by the vicious dog during the period for which the licensing is sought.
  - b. The owner or keeper, at his or her own expense, and within two (2) working days of the receipt of the notice of determination that the dog is vicious shall provide the Rio Dell Police Department with two current color photographs of the dog which show the animal in a standing position.
  - c. The owner or keeper shall display a sign that visually depicts a menacing dog on his or her property warning that there is a vicious dog on the property. The sign shall be visible to the general public and approved by the Animal Control Officer.
  - d. The owner or keeper of the dog shall certify under penalty of perjury to all of the following:
    - i. The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the period for which licensing is sought, unless the owner or keeper shall cease to own or keep the dog prior to the expiration of that license.
    - ii. The owner or keeper shall, on or before the effective date of the license for which application is being made, have an approved enclosure for the dog on all property where the vicious dog will be kept or maintained.
    - iii. The owner or keeper shall notify the Rio Dell Police Department immediately upon discovery if the vicious dog is running at large, is unconfined, has attacked another domestic animal or a human, has died, has been sold, or transferred, or has been permanently removed from the city limits of Rio Dell. Immediately upon discovery shall mean as soon as is practical taking into consideration the circumstances, but in no event later than twenty-four (24) hours after the occurrence. \
    - iv. If the vicious dog is sold, the owner or keeper shall provide the Rio Dell Police Department with the name, address, and telephone number of the new owner or keeper. It shall be unlawful to sell or give away a dog previously determined to be vicious unless the owner or keeper of the advises the new owner or keeper of the status of the dog in writing.

- e. All dogs determined to be vicious shall be confined in an enclosure as defined in Article 3 of this ordinance. It is unlawful for any owner or keeper to maintain a vicious dog upon any property which does not have an enclosure as defined in Article 3 of this ordinance.
- f. It is unlawful for the owner or Keeper to allow any vicious dog to be outside of the enclosure unless it is inside the dwelling of the owner or keeper or it is necessary for the owner or keeper to obtain veterinary care for the dog, to sell or give away the dog, or to comply with any directive of the Animal Control Officer with respect to the dog.
- g. In any case where a vicious dog is lawfully outside the enclosure, except in cases where it is inside the dwelling of the owner or keeper, the dog shall be securely muzzled and restrained, with a leash sufficient to restrain the dog, having a minimum tensile strength of 300 pounds and not exceeding three feet in length, and the dog shall be under the direct control and supervision of its owner(s) or keeper(s).
- h. The hearing entity may impose any additional conditions upon the ownership of the dog that protect the public health, safety and welfare.

#### **Procedure for destruction of vicious dogs**

1. A dog determined to be vicious may be destroyed by the Police Department when it is found, pursuant to a hearing in accordance with this ordinance, that the release of the dog would create a significant threat to the public health, safety, and welfare, or the owner or keeper is not able to or unwilling to comply with reasonable conditions placed upon the owner for the release of the dog.
2. An owner of a dog which has previously been determined to be a vicious dog violates the provisions of this code relating to the keeping of vicious dogs.
3. A dog which has previously been determined to be a vicious dog, when unprovoked, attacks, wounds, bites, or otherwise injures or kills any person.
4. A dog shall not be destroyed pursuant to Subsection 2 or Subsection 3 of "procedure for destruction of vicious dogs" without a hearing pursuant to this ordinance.

#### **Ownership of vicious dogs prohibited**

The owner of a dog determined to be a vicious dog may be prohibited by the Chief of Police from owning, possessing, controlling, or having custody of any dog for a period of up to three years, when it is

found, after proceedings conducted pursuant to this ordinance, that ownership or possession of a dog by that person would create a significant threat to the public health, safety, and welfare.

#### **Disposition of Public Nuisance Dogs**

1. No person shall keep or maintain any dog in such a manner as to cause or permit the dog to be a public nuisance dog.
2. No owner or keeper of a dog shall fail to abate a nuisance created by the keeping of such dog when ordered to do so by the Animal Control Officer or other Peace Officer.
3. The hearing entity may impose any reasonable conditions upon the ownership of the dog which shall correct the circumstances which created the nuisance.
4. Any dog having been declared to be a public nuisance dog pursuant to the provisions of this ordinance shall be delivered to the Animal Control Officer for impoundment until such time as the owner or keeper shall have satisfied the Animal Control Officer that they have taken steps to abate the nuisance created by the keeping of the dog. Failure to take such steps to the satisfaction of the Animal Control Officer within five (5) working days following the impoundment of the dog and notice of the conditions for release imposed by the Animal Control Officer, shall result in forfeiture of ownership of said dog.
5. No dog may be euthanized or otherwise disposed of if the owner or keeper of the dog has sought judicial review of the determination that the dog was a public nuisance dog until that review has been completed. The owner or keeper of the dog shall be liable for the cost of the care and feeding of the dog pending the outcome of the judicial review and shall deposit monthly in advance the cost of such care and feeding as determined by the Animal Control Officer. Failure to make such deposit shall result in forfeiture of ownership of said dog after giving the owner or keeper five (5) days written notice of their failing to make the required deposit in advance. In the event the judicial review is favorable to the owner or keeper of the dog, the amounts paid for the care and feeding of the dog pending the judicial review shall be refunded.

#### **Removal from list**

If there are no additional instances of the behavior that caused the dog to be classified as potentially dangerous dog, or a nuisance dog, within a 36 month period from the date of that classification, the dog shall be removed from the list of potentially dangerous or nuisance dogs. The dog may, but is not required to be, removed from the list of potentially dangerous or nuisance dogs prior to the expiration of the 36-month period if the owner or keeper demonstrates to the Chief of Police or his/her designee,

that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, have mitigated the risk to public safety.

## **Article 12 – Horses, Poultry, Other**

### **Horses**

No person shall drive, ride, lead or tie an animal on any sidewalk or allow any animal attached to any vehicle to stand across or on any crossing of any street or sidewalk or allow any animal to stand upon a public street or alley without being securely tied or under the control of its owner or manager, or stake out any animal in the public streets or parks for the purpose of allowing the animal to graze or any other purpose.

### **Shelter**

The owner of any equine shall provide adequate shelter which shall consist of a structure large enough for the animal to turn around in, with a roof, and shall have walls on at least three sides that offer protection from the weather.

### **Poultry/Livestock**

Poultry and other domestic animals, including bovine and equine shall only be maintained on any property in accordance with the provisions of this ordinance, and subject to the provisions of the Rio Dell zoning ordinance, Section 17.25.050 in regards to allowable land use.

### **Authority to Seize or Kill Dog**

Any dog entering any enclosed or unenclosed property wherein livestock or poultry are confined may be seized or killed by the owner or tenant of the property, or any employee or agent of the owner or tenant, and no action, civil or criminal, shall be maintained therefore against such owner, tenant, agent, or employee. The authority to kill a dog only applies if the animal is caught in the act of worrying, wounding, chasing or killing any livestock or poultry. This does not alleviate any responsibility in regards to the safe discharge of a firearm, nor does it intend to supersede or replace any state law in regards to the discharge of firearms, game laws, or animal cruelty.

675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



To: Honorable Rio Dell City Council  
From: Graham Hill, Chief of Police *GH*  
Through: Ron Henrickson, City Manager  
Date: January 17<sup>th</sup>, 2012  
Subject: Proactive Policing Award

#### **Council Action**

Present Proactive policing Award to Officer Kevin Harralson

#### **Background**

Internally our department does a pretty good job of recognizing our employees for exceeding performance standards, but this year we are trying to make an extra effort to give the community the opportunity to see what their police officers and department is doing.

During 2011 Officer Harralson led the department in total arrests, felony arrests, and drug related arrests. In addition Officer Harralson was tasked with addressing suspected drug activity at two specific locations in the city that the police department was experiencing an inordinate number of calls from citizens who were concerned about possible drug activity. Officer Harralson conducted a thorough investigation and ultimately arrested the individuals associated with the activity and effectively resolved the issues for the community.

While all of the members of the department did an excellent job this year, Officer Harralson's performance stood out, particularly because he was recovering from knee surgery from January until May, and only worked in field for about seven months of the year.

#### **Budgetary Impact**

None

#### **Recommendation**

Take action described

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
STUDY SESSION  
FEBRUARY 7, 2012  
MINUTES**

The Regular Meeting/Study Session of the Rio Dell City Council was called to order at 6:00 p.m. by Mayor Woodall.

**ROLL CALL:** Present: Mayor Woodall, Councilmembers Leonard, Thompson and Wilson

Absent: Councilmember Marks (arrived at 6:50 p.m.)

Others Present: Study Session: City Manager Henrickson, Community Development Director Caldwell, Chief of Police Hill, Finance Director Beauchaine, Water Superintendent Jensen, Wastewater Superintendent Chicora, and City Clerk Dunham  
Regular Meeting: City Manager Henrickson, Chief of Police Hill, Community Development Director Caldwell, Wastewater Superintendent Chicora and City Clerk Dunham

Absent: Finance Director Beauchaine and Water Superintendent Jensen (excused)

**STUDY SESSIONS/PUBLIC HEARINGS**

City Staff Work Tasks 2012

City Manager Henrickson stated staff was asked to provide a summary of work tasks planned to be addressed in the next year to make sure they are consistent with the goals and objectives of the City Council. In reviewing the lists, he said this is also the time for Council to discuss any other goals and objectives they would like to address during the year.

Councilmember Wilson commented that the Chief of Police seemed to have a pretty aggressive task list.

City Manager Henrickson said one of reasons for establishing task lists is to get people thinking as we approach the budget to make sure the City is properly staffed to accomplish these goals. He noted that one item not on the list is a new roof for City Hall stating that the current roof has gone long past its usefulness. Commissioner Thompson commented on preliminary plans for the construction of a second story on City Hall; City Manager Henrickson said that concept was no longer being explored as it was not feasible.

Councilmember Thompson asked if priorities had been established for the public works department; City Manager Henrickson stated public works priorities would be addressed with adoption of the Capital Budget.



**FEBRUARY 7, 2012 MINUTES**  
**Page 2**

Councilmember Wilson commented that drainage is a big issue throughout the City but unfortunately there is no funding for that purpose; City Manager Henrickson said the City would need to establish a drainage assessment district in order to fund drainage improvements. Councilmember Wilson then asked if there were any plans for the establishment of a drainage fund for future improvements; City Manager Henrickson pointed out that the City has had to rely on reserve funds to balance the budget and there has basically been nothing left to set aside for drainage improvements however, that is something that could be considered in the future.

Councilmember Wilson referred to the Chief of Police's goal regarding the use of volunteers and asked how they would be utilized; Chief Hill said volunteers can be used for general office duties such as filing and also with the Open Gym Basketball Program.

Mayor Woodall stated she likes the idea of having a police officer at the school crossing and asked what the time frame was for completion of the Employee Handbook; City Clerk Dunham stated she had begun working on the handbook and anticipated it would take at least another month to complete.

Mayor Woodall said she liked the idea of implementing the Rental Housing Inspection Program and asked Community Development Caldwell if he would be completing the CDBG portfolios; Caldwell said that he would be working on the portfolios with the help of Administrative Assistant Ralston, as well as monitoring CDBG loans.

Finance Director Beauchaine said there were some legal issues in regard to CDBG compliance in the past however those issues have been resolved.

Councilmember Leonard referred to the item on the City Clerk's list for dissolution of the Municipal Water Corporation; City Clerk Dunham said staff was successful in reviving the corporation and the next step now is to dissolve the corporation; with guidance of the City Attorney, that will be achieved.

Councilmember Wilson asked what would be included in the police department fee study; Chief Hill stated the fee schedule would include such things as animal license/relinquishing fees, vehicle release fees, parking violation fees, and VIN verification fees.

Discussion continued regarding the \$1,200 per month paid to Miranda's Animal Rescue and whether the City received an equal amount in services each month; Chief Hill explained Miranda's takes in dogs and cats, cares for them, quarantines animals when needed including monitoring, and provides medical care to animals as necessary. He said he feels the monthly fee is warranted. Finance Director Beauchaine pointed out that the fees collected for animal licenses helps to offset a small portion of that cost.

**FEBRUARY 7, 2012 MINUTES**  
**Page 3**

Next was discussion on the Emergency Operations Plan, estimated to be completed in September. City Manager Henrickson stated a workshop will be scheduled to review the update and share with the Council their respective role in the event of an emergency.

Councilmember Thompson proceeded with questions regarding public works activities such as replacement of water and wastewater equipment, meter reading software, purchase of a street roller, and welding equipment. Water Superintendent Jensen explained the meter reading software was already in the process of being updated, the street roller is important if the street assessment is approved, and the welding equipment is approximately 15 years old and non-functioning.

Mayor Woodall asked if staff would be bringing the matter back in 6 months or so to see what tasks have been accomplished; City Manager Henrickson confirmed it would be brought back to the Council for review.

**CEREMONIAL**

Proclamation in Recognition of Engineer's Week February 19-25<sup>th</sup>

Mayor Woodall read the proclamation in recognition of Engineer's Week February 19<sup>th</sup> through the 25<sup>th</sup>, 2012 and presented it to Yoash Tilles on behalf of the North Coast Branch of the American Society of Civil Engineers.

**PUBLIC PRESENTATIONS**

Richard Lyman, Fortuna resident addressed the Council regarding a "Meet the Candidates" forum to be held at the Fortuna High School on March 1<sup>st</sup>. He said nine (9) potential second district candidates for U.S. Congress would be present to debate current issues and answer questions. He presented flyers for information and encouraged everyone present to attend and help make sure the right person is elected to represent the second district in Washington, D.C.

Chuck Schager, representing Eel River Disposal Co. announced that the new sort line at their facility was up and running and said the majority of the structure was constructed with recycled material from the Loleta Cheese Factory. He stated he would be addressing the Council in the near future regarding the concept of multi-family recycling. He also reported that by July residents will be able to drop off latex and oil base paint at no charge and those items will no longer be categorized as hazardous waste. Under new recycling laws, the company that manufactures paint must also take back what is not used and dispose of it.

Mr. Schager then approached the subject of a possible ban on plastic bags, stating the Humboldt Waste Management Authority was exploring the possibility. He said each jurisdiction will have to adopt ordinances and currently there is a lot of litigation pending on the subject. He said he personally feels it would be a waste of JPA funds for Rio Dell to entertain a ban on plastic bags.

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He said ERD processes and recycles plastic at 1 cent per pound thus keeping it out of the waste stream although it costs 3-5 cents per pound to process and bale plastic. He cautioned Council to be careful with use of JPA funds and pointed out that bio-degradable bags still go into the waste stream so it won't help to increase the City's diversion numbers.

Councilmember Marks arrived at this time, 6:50 p.m.

Deborah Bare asked for the contact person at PG&E regarding potential upgrade of the PG&E sub-station; it was suggested she contact Alison Talbott.

Nick Angeloff addressed the Council regarding support of a feasibility study to extend rail service including a short haul loop and briefly explained the ED-5 Investment Program which requires a minimum investment of \$500,000 to establish a regional center. He asked for Council concurrence to place an item on the next regular agenda for support of an application to U.S. Customs and Immigration System.

City Manager Henrickson stated he didn't know enough about the subject to recommend support but suggested the item be put on the next agenda for discussion purposes; Council concurred.

#### **CONSENT CALENDAR**

Mayor Woodall announced the items to be approved on the consent calendar and asked the staff, the public and the Council members if there was anyone who wished to have any item removed from the consent calendar for separate discussion.

Motion was made by Thompson/Leonard to approve the consent calendar including approval of minutes of the January 17, 2012 regular meeting; and approval of an agreement with Jones Hall and authorizing the City Manager to execute the contract for bond counsel services in connection with general obligation bond proceedings. Motion carried 5-0; Councilmember Marks abstained from vote on approval of the minutes.

#### **SPECIAL CALL ITEMS/COMMUNITY AFFAIRS**

##### Revise Water Deposit Fee and Water Reconnection Fee

City Manager Henrickson stated the City continues to experience write-offs related to non-payment of delinquent water bills by non-owner customers. He said part of the problem is that the current water deposit of \$40.00 is exceedingly low. Another problem has to do with the number of monthly water turn-offs for non-payment of water/sewer bills. The current reconnection fee is \$35.00 plus actual costs during regular business hours and \$75.00 plus actual costs for after hours. He noted that it has been the practice not to charge any additional actual cost and therefore does not cover the staff time associated with turning the water on and off.

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He further stated that essentially the water deposit should be equal to at least two and one half months of typical billings which equates to just over \$100.00. As a result, his recommendation is that water deposits for non-owner residents be increased to \$100.00. In regard to reconnection fees, he suggested the fee be \$40.00 for the first reconnect; \$60.00 for the second reconnect and \$100.000 for all subsequent reconnects. He said the idea is that the increased fee will serve as a deterrent since many customers are repeat offenders.

With Council concurrence, he said he will bring back on the February 21st agenda a resolution for consideration with the effective date of May 1, 2012 which allows adequate time to inform customers of the proposed changes.

Mayor Woodall asked if the deposit and reconnection fee would apply to owners as well as non-owners and if the proposed reconnection fee will cover actual cost; City Manager Henrickson stated that his recommendation is that deposits be waived for owners since the loss is significantly less than with non-owner customers. He said in regard to the reconnection fee, the base fee plus additional cost will be charged.

Mayor Woodall said she preferred a 2-tier fee schedule for reconnections as with the City of Eureka.

Councilmember Marks stated she would have no problem with a 3-tier fee schedule and said she would like to see the same fees, including the water/sewer deposit applied to owners and non-owners. Council concurred.

Councilmember Thompson asked if water meters are locked or actually pulled in the event of non-payment; Wastewater Superintendent Chicora stated in most instances, the meters are simply locked.

Councilmember Thompson stated he didn't see why there should be a loss to the City when non-owners move out and leave an unpaid bill since the City can require payment by the owner before water service is restored. City Manager Henrickson stated that currently the City does not hold the owners responsible for tenant's unpaid bills. Councilmember Thompson suggested language be added to that affect.

Consensus of the Council was that property owners not be held responsible for tenants' unpaid bills. City Manager Henrickson commented that with the increase in the deposit amount, the loss should be significantly less.

It was agreed that the City Manager place the resolution, as amended on the February 21, 2012 agenda for consideration.

Provide City Manager Direction on City Manager Succession

City Manager Henrickson announced reluctantly that his time to retire was approaching and in order to facilitate a seamless transition, it is now time to begin succession planning. He said two elements of the City's future are to ensure that City government is financially sustainable; and that it is well managed. Based on his experience, he said he is proposing the City Council explore the feasibility of hiring a very well-qualified half-time City Manager. He said if the City was not successful in recruiting an appropriate candidate then the Council could direct staff to initiate recruitment of a full-time City Manager. Council concurred with City Manager Henrickson's recommendation.

**ORDINANCES/SPECIAL RESOLUTIONS**

Approve Resolution No. 1143-2012 Approving an Election on the Question of Renewing the Countywide Abandoned Vehicle Abatement Fee to be Scheduled in Conjunction with the June 5, 2012 Primary Election

City Manager Henrickson explained the Abandoned Vehicle Program is a State program that allows counties and incorporated areas to receive funding to help defray the costs of removing abandoned vehicles within the respective jurisdictions. The County of Humboldt established an Abandoned Vehicle Abatement Authority in which the City is a member and imposed a fee of \$1.00 per vehicle registration to be used for the abatement of abandoned vehicles. He said with the passage of Proposition 26 in 2010, the definition of "fee" and "tax" was altered under the California Constitution and the abandoned vehicle abatement fee is now considered a tax that is subject to voter approval. He stated the Humboldt County Board of Supervisors approved to go forward with the election on the Abandoned Vehicle Abatement Fee for the June 5, 2012 primary election. In order to do this, the County needs the concurrence of the majority of the incorporated cities and the proposed resolution supports this action.

Councilmember Wilson commented that the Department of Motor Vehicles wants to charge \$31,000 to program their computers to stop collecting the fee, and an equivalent amount to restart the collection if the election is successful. He said he would like to see the County be prudent in the future so that the contract expires at the end of June rather than then end of April to avoid the additional costs for computer programming.

Motion was made by Wilson/Leonard to approve *Resolution No. 1143-2012 Requesting that the County of Humboldt Board of Supervisors Calls for an Election on the Question of Renewing the Countywide Abandoned Vehicle Abatement Fee to be Scheduled in Conjunction with the June 5, 2012 Primary Election*. Motion carried 5-0.

Approve Resolution No. 1144-2012 Determining that the Public Interest and Necessity Demand the Construction and Completion of Street Improvements, and Their Financing through the Issuance of General Obligation Bonds

City Manager Henrickson stated that he is sure everyone will agree that the majority of City streets are deplorable and badly in need of repair. He said in the past decade or more the City has not had adequate revenue to fund the necessary maintenance required to keep streets in good condition. Since maintenance has been deferred for so many years, the cost of addressing the situation now is far beyond the financial ability of the City. He said to address this situation, he is proposing that the City implement a Street Improvement Assessment Project which encompasses an asphalt overlay or slurry seal-coat over approximately 90% of the City streets, which excludes Wildwood Avenue.

City Manager Henrickson then presented a color coded map which represented the streets proposed for asphalt overlay and those proposed for slurry seal-coat. He further explained the cost of the improvements is estimated to be \$2,825,000 and in order to complete all of the work at once, he is proposing the City issue General Obligation Bonds which would be paid over a 15 year term by an assessment on every property in the City based on assessed value. To reduce the project cost he proposed the City contribute funding in the total amount of \$825,000 from reserve funds thus reducing the bond to \$2,000,000.

City Manager Henrickson continued with a review of the advantages of the proposed assessment and stated that ultimately the assessment amount would be reduced each year over the 15 year assessment period.

Councilmember Marks asked why the assessment amount would go down; City Manager Henrickson explained the theory is based on property assessment values going up, and said new development will also lower the cost.

Councilmember Marks commented that it was her understanding that new development was not subject to the sewer bond assessment and asked if this assessment would be the same; City Manager Henrickson said it would be set up in the same manner and new development would not be subject to the assessment fee.

Mayor Woodall commented that she likes the fact that the City proposes to contribute a portion of the funding and that ultimately it will be up to the voters to decide if the project should be funded through assessments.

Councilmember Wilson commented on the proposed Shell Wind Energy Project and how it related to this project. City Manager Henrickson stated if the Shell Wind Energy Project moves forward, the City will negotiate the cost of potential damage to City streets and ask for a cash contribution in lieu of street repairs and that money would then be put back into reserves to offset some of the costs.

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Mayor Woodall asked what will happen in the event the bond measure does not pass; City Manager Henrickson explained there is a significant savings by improving all City streets at once, the interest rate of 3.75% may not be available again, and if the street improvements are not done now, the streets will deteriorate to the point that the cost will be far too great for the City to be able to fund the project and basically the City could end up with nothing but gravel roads.

City Manager Henrickson said there would be a series of public meetings held in the spring with various neighborhoods as well as mailings to identify the cost of individual assessments.

Deborah Bare expressed support of the project and asked how long it would take to begin the improvements; City Manager Henrickson said if the voters approve the bond measure in June, construction could be underway by October 2012.

Motion was made by Marks/Thompson to approve *Resolution No. 1144-2012 Determining that the Public Interest and Necessity Demand the Construction and Completion of Street Improvements, and Their Financing Through the Issuance of General Obligation Bonds*. Motion carried 5-0.

Introduction and First Reading (by title only) of Ordinance No. 285-2012 Calling a Special Election and Ordering the Submission of a Proposition of Incurring Bonded Debt for the Purpose of the Construction and Completion of Street Improvements to the Qualified Voters of the City of Rio Dell at the Special Municipal Election to be Held June 5, 2012

City Manager Henrickson stated the ordinance is part of the process to place the bond measure on the ballot for the June 5, 2012 primary election.

A public hearing was opened at 7:35 p.m. to receive public input on the proposed ordinance.

Richard Newman asked if the life of the street improvements coincided with the length of the bond; City Manager Henrickson stated an asphalt overlay or slurry seal coat is expected to last 15 years which is the term of the bonds.

Councilmember Marks commented that the term of the bonds could have been extended beyond 15 years but the idea was to match the assessments with the useful life of the improvements.

There being no further public comment, the public hearing closed at 7:38 p.m.

Motion was made by Marks/Leonard to introduce and conduct the first reading (by title only) of *Ordinance No. 285-2012 Calling a Special Election and Ordering the Submission of a Proposition of Incurring Bonded Debt for the Purpose of the Construction and Completion of Street Improvements to the Qualified Voters of the City of Rio Dell at the Special Municipal Election to be Held on June 5, 2012*. Motion carried 5-0.

Conduct Second Reading (by title only) and Approve Ordinance No. 282-2012 Amending the Plan and Zoning Designation of Approximately 5,050 sq. ft. from Town Center (TC) to Urban Residential (UR)

Community Development Director Caldwell stated the ordinance was introduced to the Council at the January 17, 2012 meeting and is back now for its second reading and adoption. He said this item is the result of an approved lot line adjustment between two parcels owned by Jason and Garyn Broussard. One of the parcels (053-115-004) is designated Urban Residential (UR) and the other parcel (053-115-006) is designated Town Center (TC). He said a portion of the parcel in the Town Center is proposed to be adjusted to the parcel within the Urban Residential zone. To avoid having a mixed use parcel, the Planning Commission made a condition of approval that the applicants either grant an access easement through APN 053-115-004 to the adjusted area; or apply for a General Plan and Zone boundary adjustment to re-designate the adjusted area from Town Center (TC) to Urban Residential (UR). Since a property owner cannot grant access easements to themselves, the applicants submitted the General Plan and Zone boundary adjustment application, fulfilling the required condition of approval.

A public hearing was opened at 7:40 p.m. to receive public input on the proposed Ordinance. There being no public comment, the public hearing closed.

Motion was made by Thompson/Leonard to approve *Ordinance No. 282-2012 Amending Section 17.15.030 Zoning Map of the Rio Dell Municipal Code*. Motion carried 5-0.

Introduction and First Reading (by title only) of Ordinance No. 283-2012 Establishing Lot Size Modification Regulations, Section 17.30.130 of the Rio Dell Municipal Code (RCMC)

Community Development Director Caldwell submitted to council, staff and public supplemental information regarding the proposed Lot Size Modification provisions. He said at the January 25, 2012 Planning Commission meeting, the Planning Commission suggested amending some language of the proposed Lot Size Modification provisions to make it a little more "reader" friendly. Under the Exceptions Table, permitted modifications were recommended as follows:

- Minimum Lot Size may be modified down to not less than fifty (50) percent, or 5,000 square feet, whichever is greater.
- Minimum Lot Width may be modified to not less than fifty (50) percent.
- Maximum Lot Depth may be modified up to a maximum of twice that permitted.

A public hearing was opened at 7:44 p.m. to receive public input on the proposed Ordinance.

Joe Enes asked where these provisions would apply; Community Development Director explained they would apply to any size lot when the topography and other man-made features make it difficult for development.



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Councilmember Thompson asked if these provisions would apply to secondary units; Community Development Director Caldwell stated these provisions apply to subdivisions; not secondary units.

Deborah Bare stated her parcel on Berkeley St. is approximately three-fourths of an acre and asked how it could be subdivided; Community Development Director Caldwell said theoretically it could be subdivided into six (6) lots provided lot width and depth requirements are met.

There being no further public comment, the public hearing closed.

Motion was made by Thompson/Marks to introduce and conduct first reading (by title only) of *Ordinance No. 283-2012 Establishing Lot Size Modification Regulations, Section 17.30.130 of the Rio Dell Municipal Code (RDMC)*. Motion carried 5-0.

Introduction and First Reading (by title only) of Ordinance No. 284-2012 Amending Yard Regulations, Section 17.30.280 of the Rio Dell Municipal Code (RDMC)

Community Development Director Caldwell stated the City's previous zoning regulations under Ordinance 59 contained provisions to allow front yard setbacks based on the average setbacks of improved lots on the same block, meaning that if the average front yard setback on the block is less than the standard 20 foot front yard setback, a property owner would be able to place a new development based on the average setback. Staff recently discovered that this provision was inadvertently omitted when the current regulations were adopted in 2004. As a result, staff is recommending the RDMC be amended to include those provisions.

He said in presenting the recommendation to the Planning Commission at their January 25, 2012 meeting, they agreed with the proposed amendment provided the language of the front yard provisions be modified to require a minimum ten (10) foot front yard setback.

Community Development Director Caldwell noted that the averaging provision does not apply to garages which must meet the twenty (20) foot front yard setback requirement in order to provide adequate area to park vehicles without encroaching into the sidewalk.

Community Development Director Caldwell stated the second issue relates to setbacks on corner lots which was also omitted from the current zoning regulations. The recommended language stated that in any residential zone, the side yard of a corner lot shall be equal to the front yard setback if any part of the main building is within 25 feet of the rear lot line or one-half the front yard setback if all parts of the main building are more than 25 feet from the rear lot line.

A public hearing was opened at 7:55 p.m. to receive public input on the proposed ordinance.

Joe Enes asked if the interior setback would still be five feet and the rear setback ten feet; Community Development Director Caldwell said they would be.

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Councilmember Thompson asked if a variance was possible; Caldwell said the property owner could make application to the Planning Commission for a variance.

There being no further public comment, the public hearing closed.

Motion was made by Thompson/Leonard to introduce and conduct first reading (by title only) of *Ordinance No. 284-2012 Amending Yard Regulations, Section 17.30.280 of the Rio Dell Municipal Code (RDMC)*. Motion carried 5-0.

Introduction and First Reading (by title only) of Ordinance No. 286-2012 Approving General Sewer Use Regulations and Rates

City Manager Henrickson stated the proposed ordinance changes the sewer deposit amount from \$30.00 to \$200.00 and if the Council desires, could apply to owners as well as non-owner customers.

Wastewater Superintendent Chicora stated last year the State Water Resources Control Board required the City to implement a Sanitary Sewer Management Plan which includes several goals the City must meet. One of those goals is to create a FOG (Fats, Oils and Grease) Program and include it in the Sewer Ordinance.

Councilmember Thompson commented on the numbering sequence and asked if there should be areas left blank for future regulations; City Manager Henrickson said if necessary a fourth number could be added.

Councilmember Marks stated if it is determined that new homeowners be required to pay a deposit, perhaps there could be a provision included that provides for the deposit to be returned after a year. City Manager Henrickson commented that generally problems with non-payment of utility bills by new homeowners do not occur until after the first year.

A public hearing was opened at 8:05 p.m. to receive public comment on the proposed ordinance.

Sharon Wolfe asked for clarification that the deposit for water and sewer service for new customers will be \$300.00; City Manager confirmed that amount to be correct.

Joe Enes asked if that would also apply to property owners; City Manager Henrickson said that it would apply to any new customers but would have no impact on existing customers.

There being no further public comment, the public hearing closed.

Councilmember Wilson asked if this fee was typical of other jurisdictions; City Manager Henrickson said typically the deposit should be equal to at least two and one-half months of

typical billings and that is about the same time that elapses before shut off under the City's current billing system.

Motion was made by Wilson/Marks introduce and conduct first reading (by title only) of *Ordinance 286-2012 Approving General Sewer Use Regulations and Rates*. Motion carried 5-0.

## **REPORTS/STAFF COMMUNICATIONS**

City Manager Henrickson stated he had nothing further to report at this time.

Chief of Police Hill apologized for the omission of the Monthly Police Report in the Council packet and said he would provide a copy to the City Manager for distribution to Council. He then reported on recent activities in the police department and said there had been a series of thefts reported the previous weekend; Sergeant Wiener was in week two of ICI (Core Investigation Training) in Monterey; stated he met with the Principal and Assistant Principal of Fortuna High School regarding an upcoming Parent Drug Education Night which will allow parents to come and learn about the different drugs that students have access to and to learn about treatment and prosecution; and reported for the first time on Saturday, February 18<sup>th</sup> there will be a Prescription Drug Disposal Day taking place at Fortuna High School.

Community Development Director Caldwell reported on recent activities in the planning department and stated he attended a CDBG workshop in Arcata and learned there is PTA money available however is very competitive and was reduced this year to \$2 million statewide at \$100,000 per jurisdiction. He said in order to qualify the City must have spent 50% of the previous year's funding. Based on the City's poverty level, he said the City's chances of receiving grant money is only 2-3%. He also reported that he met with Mary Varner at the Rio Dell School regard the Safe Routes to School grant which is another competitive grant that requires a 10% match of funds. Suggestions for the grant if received will be to have a lighted crosswalk on Wildwood and Center or complete the sidewalks on Davis St.

Wastewater Superintendent Chicora reported the public works department would be borrowing the City of Fortuna's equipment to camera the City's sewer lines and with the use of the City's new pipe patch kit, they will be able to repair sewer pipes without tearing up the streets.

## **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Wilson commented that there are some street lights that are not working throughout the City and asked what the process was for getting the lights replaced; City Clerk Dunham said citizens or city staff can call PG&E and provide them with the pole number and they will put it on their list for repair the next time they are working in the area. Chief Hill commented that the PG&E web site has also been an effective method to report the outages.

**ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS  
FOLLOWS:**

Closed Session Concerning Labor Negotiations with Labor Negotiator; the City's Designated Representative City Manager Ron Henrickson (Pursuant to Government Code Section 54957.6) Concerning Rio Dell Police Officer's Association, Rio Dell Employees Association, and Contract Employees

Mayor Woodall announced the Council would be adjourning to closed session to discuss the above matters and asked for public comment. There being no public comment, the Council adjourned to closed session at 8:17 p.m.

The meeting reconvened at 8:45 p.m. Mayor Woodall announced action was taken in closed session to direct the City Manager to initiate negotiations with the Rio Dell Police Officer's Association, Rio Dell Employees Association, and contract employees.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 8:46 p.m. to the February 21, 2012 regular meeting.

Attest:

\_\_\_\_\_  
Julie Woodall, Mayor

\_\_\_\_\_  
Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL  
SPECIAL MEETING MINUTES  
FEBRUARY 16, 2012**

A Special Meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Pro Tem Marks.

ROLL CALL: Present: Mayor Pro Tem Marks, Councilmembers Leonard, Thompson and Wilson

Absent: Mayor Woodall

Others Present: City Manager Henrickson and City Clerk Dunham

**SPECIAL MEETING MATTERS**

Authorize the Mayor to Submit a Letter to Humboldt Waste Management Authority (HWMA) Relative to Arcata Community Recycling Center (ACRC)

City Manager Henrickson stated that at the January 12, 2012 Humboldt Waste Management Authority (HWMA) meeting, they voted to terminate the negotiation process with Arcata Community Recycling Center (ACRC); then later they voted to reverse their decision and approve mediation so they could explore revenue-neutral options for leasing ACRC's Samoa facility. He said the letter if approved, will support HWMA's decision to end mediation and go on record that the City does not think it would be in the City's or public's best interest for HWMA to acquire ACRC's Samoa facility.

He suggested a copy of the letter also be sent to the County Board of Supervisors and the City of Eureka.

Councilmember Thompson said that HWMA reported out of Closed Session the decision to go back into mediation and explore revenue neutral options by a vote of 4-2 with he and Lance Madsen from the City of Eureka casting the dissenting votes.

Councilmember Leonard asked if the end result was that HWMA purchase the ACRC Samoa facility; City Manager Henrickson referred to the draft letter and said it should be changed to say "lease or acquire."

Councilmember Marks commented that as a previous board member on HWMA she is not allowed to reveal discussions in closed session although on a personal level questioned the value or benefit of taking over the Samoa facility. She suggested the Council explore the feasibility of pulling out of the JPA with HWMA.

City Manager Henrickson said if it's the desire of the Council, he will present a report to the Council at the March 6, 2012 regular meeting on options on withdrawing from the JPA.

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Councilmember Leonard then provided background on when and why the JPA was formed and said it was formed with closure of the Cummings Landfill in order to find a way to handle waste. He said he toured the Samoa facility and in his opinion it was poorly designed.

Councilmember Marks commented that a portion of the fees collected by Eel River Disposal Co. from Rio Dell collection goes to HWMA.

Motion was made by Leonard/Wilson to authorize the Mayor to submit a letter to Humboldt Waste Management Authority (HWMA) relative to Arcata Community Recycling Center (ACRA) with copies to the County Board of Supervisors and the City of Eureka. Motion carried 4-0.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 5:42 p.m. to the February 21, 2012 regular meeting.

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Melissa Marks, Mayor Pro Tem

Attest:


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Karen Dunham, City Clerk

675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



TO: Honorable Rio Dell City Council

THROUGH: Ron Henrickson, City Manager 

FROM:  Randy Jensen, Water & Roadways Sup., and Carla Ralston, P.W. Admin.

DATE: February 10, 2012

SUBJECT: Purchase of Meter Reading Equipment

ATTACHEMENT: Invoice from National Meter and Automation, Inc.

**IT IS RECOMMENDED THAT THE CITY COUNCIL:**

Authorize the City Manager to purchase the Meter Reading Equipment needed to resolve issues that relate to the City's current meter reading system.

**BACKGROUND AND DISCUSSION**

Currently with our Meter Reading system, there has been some technical difficulty with the Hand Held (FC100) unit that picks up the radio signals from our water meters. Due to the age of this unit, the service agreement has expired and Itron will no longer carry replacement parts for repairs on this device.

In regards to the purchase of the 6 100w Endpoints, (radio transmitters for the meters) this will eliminate the need for city staff to travel in hard to access areas to read the meters. The 100w Endpoints have a stronger transmitting signal and will be compatible with our current meter system. There will need to be a software update to the BASE unit (MC Lite) to complete this addition although; there will be NO additional charge for this service.

**BUDGETARY IMPACT**

1 - FC300 Hand held = \$ 4,995.00  
6 - Itron 100w Endpoints = \$ 86.00/each  
1 - Software Update = \$0  
Funds to come from line item 6100-09-060



# NATIONAL

METER AND AUTOMATION, INC.

2250 Apollo Way #300  
 Santa Rosa, CA 95407  
 (707) 575-0700  
 (707) 575-3786

## QUOTATION

DATE: 1/30/2012

TERMS: Net 30 Days  
 SHIP VIA: Best Way  
 PO#:

QUOTED BY: Hilary Richards

Bill To:
City of Rio Dell 675 Wildwood Ave. Rio Dell, CA 95562

Ship To:
City of Rio Dell 675 Wildwood Ave. Rio Dell, CA 95562

Description	Qty	Unit Price	Amount
Itron FC300SR Handheld w/ Bluetooth Includes: Desk Dock & AC Power Supply 1 Day of On-Site Training & Implementation	1	\$ 4,995.00	\$ 4,995.00
Itron 100W Endpoints w/ Integral Connector * Upgrade MC-Lite for Data Logging capability @ no-charge w/ purchase of 48 qty. 100W Endpoints	6	\$ 86.00	\$ 516.00

Avail: 3-4 weeks ARO  
 F.O.B.: Santa Rosa, CA

Humboldt County

7.250%

Subtotal	\$ 5,511.00
Tax	399.55
Freight	Add
Total	\$ 5,910.55

Remit to:  
 National Meter & Automation, Inc.  
 PO Box 5429  
 Greenwood Village, CO 80155-5429

Prices Subject to review after: March 31, 2012

THANK YOU FOR YOUR BUSINESS!